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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,720	03/29/2004	Byung-Jin Kim	1740-000011/US/COA	9364

30593 7590 04/25/2007

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EXAMINER	
CHEVALIER, ROBERT	
ART UNIT	**PAPER NUMBER**
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/810,720	KIM ET AL.	
	Examiner	Art Unit	
	Bob Chevalier	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6, 10-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 10-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 10-12, 15-18, 22, and 25, are rejected under 35 U.S.C. 101 because the claim is directed to a recording medium storing nonfunctional descriptive material. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. See, e.g. Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Mishima et al as set forth in the previous Office Action mailed out on 12/1/06.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 10-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juri et al (P.N. 5,999,693) in view of Official Notice.

Juri et al discloses a video recording/reproducing apparatus which shows substantially the same limitations recited in claim 10, and 13-14, including the feature of the data area storing video data (See the main video area shown in Juri et al's Figure 1b), the feature of management area storing management data for managing reproduction of the video data, the management data indicating if the video data does not include a still picture as specified in the present claims 10, and 13-14. (See the still picture flag shown in Juri et al's Figure 1b).

Juri et al fails to specifically disclose the feature of the management area being separated from the data area and not included in a header for the video data in the data area as specified in the present claims 10, and 13-14.

Examiner takes Official Notice in that it is notoriously well known in the video recording/reproducing art to have a recording medium having video data recorded in the a data area and wherein management information is recorded in a table of content (TOC) area that is separated from the data area on the recording medium, for example, the TOC could be located in the inner most track area of the recording medium, as specified in the present claims 10, and 13-14.

It would have been obvious to one skilled in the art to modify the Juri et al's recording/reproducing apparatus wherein the recording medium provided thereof would incorporate the capability of having video data recorded in a data area and wherein management information is recorded in a table of content (TOC) area that is separated from the data area on the recording medium, for example, the TOC could be located in the inner most track area of the recording medium, in the same conventional manner as is well known in the video recording art. Examiner has taken Official Notice. The motivation is to improve speed of accessing data on the recording medium as suggested in the prior art.

With regard to claim 11, the feature of identifying a portion of the video data including the still picture as specified thereof is present in Juri et al. (See the still picture flag shown in Juri et al Figure 1b).

With regard to claim 12, the feature of the optical disc specified thereof is present

in Juri et al. (See Juri et al's column 11, lines 9-10).

With regard to claims 15-25, it is noted that these claims recite the same limitations discussed above in the rejections of claims 10-14 and are, therefore, rejected under the same rationale.

Response to Arguments

8. Applicant's arguments filed 3/1/07 have been fully considered but they are not persuasive.

Regarding the Applicant's argument in that the claimed invention is directed a computer readable recording medium storing functional descriptive material because the claimed computer readable medium includes a data structure and a management area which provides management data for managing reproduction of data in the data area of the computer readable medium, Examiner disagrees. As indicated in the previous rejection merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1. Applicant's attention is directed to the fact that the claimed invention does not have any computer program stored in the computer readable medium which programs when read by the computer would allow the management data to perform the reproduction operation as indicated in the claimed invention.

Regarding the Applicant's argument in that the cited reference of Mishima is improper because the special playback disclosed in Mishima is a high speed playback in which multiple of the synthesized pictures are playback to create a high speed moving picture and that Mishima does not disclose reproduction of still picture,

Examiner disagrees. It is noted that, contrary to the Applicant's argument, the Mishima et al's reference in page 8, paragraph [0073], lines 9-13, only indicates that during the special playback time, the I and the P pictures are read from the recording medium to synthesize the picture of one screen portion and is outputted as a playback picture. It is to be noted that the reference does not indicate creating a high-speed moving picture as argued by Applicant. The cited reference of Mishima et al discloses that a playback picture is outputted. Thus, one of ordinary skill in the art would readily recognize that a playback picture is equivalent to outputting still picture.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ROBERT CHEVALIER
PRIMARY EXAMINER

B. Chevalier
April 18, 2007.